**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

**Case No. : Crl. Revn. No.2176 of 2007**
**Date of Decision : November 19, 2007.**

Gurpreet Singh and others .... Petitioners

Vs.

Balwinder Singh and another .... Respondents

**CORAM : HON'BLE MR. JUSTICE L. N. MITTAL**

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Present : Mr.S.S.Majithia, Advocate
for the petitioners.

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**L.N.MITTAL, J. (Oral) :**

Charge under Section 326 IPC was not framed by the Magistrate against the petitioners but in revision petition, the Revisional Court, vide impugned order dated 01.10.2007, ordered framing of charge under Section 326 IPC against Gurnam Singh – petitioner no.2 and charge under Section 326 read with Section 149 IPC against the remaining petitioners. Feeling aggrieved, the instant revision petition has been filed by the accused persons.

Admittedly, on X-Ray examination, fracture was found. The injury had been caused with sharp weapon. So, the offence falls under Section 326 IPC. Learned counsel for the petitioners contended that the injured got himself admitted in the hospital after eight hours. This is hardly a ground for quashing of charge under Section 326 IPC. It is further

contended that the doctor opined that the possibility of the aforesaid injury being inflicted by friendly hand cannot be ruled out. However, this circumstance is also not sufficient to scrap the charge under Section 326 IPC when there is specific allegation that the aforesaid injury was caused by petitioner no.2 with sharp edged weapon. Learned counsel for the petitioners also contended that the Deputy Superintendent of Police, vide report Annexure P-5, found the entire version against the petitioners to be false. However, if this report is to be relied on, then not only charge under Section 326 IPC but charge for all the offences should be quashed. However, on the basis of inquiry report, no such finding can be given by the Court at the stage of charge. The report of Deputy Superintendent of Police also, on the other hand, merely states that it is not verified whether the aforesaid injury was received during the occurrence or was suffered later on. On the basis of this conclusion, which is in fact no conclusion, charge under Section 326 IPC cannot be quashed.

For the reasons aforesaid, the instant revision petition is completely misconceived and devoid of merit.

Dismissed.

**November 19, 2007** **( L.N.MITTAL )**
*monika* **JUDGE**